

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, APRIL 22, 1999
8:15 A.M**

Commissioners Present: Larry Hudkins
Bob Workman
Linda Steinman
Bernie Heier

Commissioners Absent: Kathy Campbell, Chair

Others Present: Kerry Eagan, Chief Administrative Officer
Diane Staab, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

AGENDA ITEM

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY,
APRIL 15, 1999**

MOTION: Heier moved and Steinman seconded approval of the minutes. On call Heier, Workman, Steinman and Hudkins voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

None were stated.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, presented a legislative update (Exhibit A) noting the following:

- * LB 112, which provides for the responsibility for payment of costs of medical services for individuals who are arrested, detained or taken into custody, was advanced by the Revenue Committee.
- * LB 770, which changes the exempt amount for inheritance tax purposes, advanced to general file. A formula providing return of additional State estate taxes to counties to offset the projected loss was not included in the bill.

- * LB 652, which provides for a juvenile correctional facilities master plan, will likely be scheduled for discussion next week, with a challenge anticipated on the two cent cigarette tax increase. Senator Thompson will offer an amendment requiring the Department of Health & Human Services to develop a master plan for renovation of current facilities, development of a new juvenile correctional facility in Omaha and payment of juvenile boarding costs by the State. A veto by the Governor is anticipated.

Steinman reported briefly on a meeting held with Governor Johanns to discuss the legislation, noting that the Governor opposes a shift of juvenile boarding costs to the State.

Kissel also reported that:

- * An attempt by the Revenue Committee to change the distribution formula in LB 142, which changes the allocation of the motor vehicle tax, failed.
- * The Nebraska Association of County Officials (NACO) has drafted an amendment to LB 637, which changes child support payment and disbursement provisions. Their amendment would make the legislation applicable only to Douglas County.

Dave Kroeker, Budget & Fiscal Officer, appeared and stated that the County would lose revenue under the bill, but staffing would not be reduced. He noted that transfer of the office of Clerk of the District Court to a State reimbursed position would better serve the County's interests.

Board consensus to support amendment of LB 637 to include transfer of the office of Clerk of the District Court to the State, as proposed in LB 414.

Kissel agreed to discuss this proposal with Senators Beutler and Brown, introducers of LB 414 and LB 637, respectively.

4 FINAL PLAT NO. 98045, COUPE DE VILLE HEIGHTS, NW 84TH & BLUFF ROAD - Mike DeKalb, Planning Department

Mike DeKalb, Planning Department, briefly reviewed Final Plat No. 98045, Coupe DeVille Heights, a request from Brian Carstens, on behalf of Richard and Melinda Coupe, to create four (4) residential lots on property at NW 84th & Bluff Road (Exhibit D). He noted that site specific conditions have been met and the applicant has readjusted the farmstead split-off and removed the existing mobile home.

DeKalb reported that Wayne Nielsen has indicated that he will be unable to serve on the County Board of Zoning Appeals.

The Board requested DeKalb to contact Lynette Nelson of Malcolm and see if she would be willing to serve.

DeKalb also gave a brief update on the following:

- * Change of Zone No. 184, from Agriculture (AG) to Agricultural Residential (AGR), on the Southeast corner of Highway 77 and Stagecoach Road
- * Change of Zone No. 186, from Agriculture (AG) to Agricultural Residential (AGR), north of W Fletcher Road between NW 112th & NW 126th Streets
- * Change of Zone No. 187 and Change of Zone No. 188, from Agriculture (AG) to Industrial (I) south and east of the corner of Highway 43 & Nebraska Highway 2

5 RURAL ENTERPRISE ASSISTANCE PROGRAM - Jeff Reynolds, Senior Business Specialist; Troy Gagner, Economic Development Coordinator

Troy Gagner, Economic Development Coordinator, reported that the Bennet Rural Enterprise Assistance Program (REAP) Association, will soon have \$1,500 in loan loss reserve raised. He requested transfer of \$15,000 in Community Development Block Grant (CDBG) funds from the County, in accordance with its agreement with the Center for Rural Affairs to match the loan loss reserve raised by each REAP association in the County on a 10:1 ratio (Exhibit E). Gagner stated the REAP Association will be able to make loans by accessing these funds, noting that he will continue to monitor the program.

Jeff Reynolds, Senior Business Specialist, reported the Individual Rural Business Enterprise Revolving Loan Fund is a new companion program offered through REAP that would make loans in the range of \$5,000 - \$15,000 to small businesses in rural Lancaster County (Exhibit E). He indicated that funding of this program for the first two years will require an additional draw-down of approximately \$75,000 in CDBG funds. Repayment of loans offered through the program will be deposited into the Revolving Loan Fund and made available to other businesses. He noted that two individuals have already expressed interest in making loan application through the program.

Reynolds noted that the program will typically serve as secondary lender in financing arrangements. He noted that individuals seeking loans through the program may have a good business idea, but have difficulty securing a loan and require gap financing. The application process was described as follows:

1. Pre-application
2. Guarantee Check
3. Full Application
4. Economic Development Coordinator's Review

Gagner noted that the proposed interest rate for the REAP Individual Rural Business Enterprise Revolving Loan Fund program is prime rate, plus 4.25%. He explained this rate is reflective of the higher risk associated with these loans.

Heier expressed concern regarding the additional burden placed on borrowers to repay high interest rate loans.

Reynolds explained that the proposed rate is less than the national average, once loan fees are factored in.

Gagner stated extensive business planning and technical assistance will be also be provided to those in the program to help balance that high interest cost.

Steinman requested that Gagner provide a cost comparison of those services to the Board.

MOTION: Workman moved and Steinman seconded to approve the transfer of \$75,000 in Community Development Block Grant funds to the Rural Enterprise Assistance Program (REAP) Individual Rural Business Enterprise Revolving Loan Fund, at the suggested interest rate of prime rate, plus 4.25%.

In response to a question from Heier, Reynolds stated that the higher interest rate for the individual lending program provides an incentive for borrowers to seek lower interest rate peer group or traditional bank lending.

AMENDMENT: The maker of the motion and the seconder agreed to amend the motion to include the transfer of \$15,000 in Community Development Block Grant funds from the County to match the loan loss reserve raised by the Bennet Rural Enterprise Assistance Program Association on a 10:1 ratio basis and to adjust the interest rate to prime rate, plus 3.5% for the Individual Rural Business Enterprise Revolving Loan Fund.

ON CALL: Workman, Steinman, Heier and Hudkins voted aye. Motion carried.

Reynolds distributed copies of *REAP Quarterly Activity Summary: January-March, 1999* (Exhibit F).

Gagner gave a brief update on the status of Kinco Manufacturing's repayment of \$10,000 job creation loan, noting that an amendment was made to their loan agreement implementing an interest accrual schedule based upon the date payment is received.

The Board requested Gagner to contact Kinco Manufacturing with the suggestion that they consider participation in the Rural Enterprise Assistance Program.

6 WARNING SIRENS - Doug Ahlberg, Emergency Management Director; Terry Lowe, Information Services; Bill Luxford, 5-City TV Studio/Video Services

Doug Ahlberg, Emergency Management Director, distributed copies of the *Lincoln Warning System Call List* (Exhibit G), noting that the Thunderbolt (T-Bolt) warning devises indicated on the list are no longer manufactured and replacement parts must be hand machined. He also reported that many areas of the County lack outside warning devises, including the State recreation areas.

Heier questioned the effectiveness of the Thunderbolt (T-Bolt) warning devises.

Ahlberg stated the T-Bolts were originally designed as air raid warning sirens and provide limited coverage. He noted however, that many citizens depend on outside warning devises for notification of severe weather.

Ahlberg requested authorization to proceed with an internal study of the County's warning device system, to include development of a 5-10 year replacement program and recommendation of alternatives to the outside warning devices.

Terry Lowe, Information Services, suggested utilization of videostreaming technology to provide storm warning information via the Internet to citizens in outlying areas or through an e-mail system.

Eagan suggested that video monitors, which have been suggested to be placed at intersections to monitor traffic, could also be utilized as mechanical weather spotters.

MOTION: Workman moved and Heier seconded to authorize Doug Ahlberg, Emergency Management Director, to proceed with an internal study of the County's warning device system.

Eagan noted that federal grant funds may be available to assist with the replacement cost.

ON CALL: Workman, Heier, Steinman and Hudkins voted aye. Motion carried.

7 JUVENILE DETENTION OPTIONS SYMPOSIUM REPORT - Dennis Banks, Attention Center Director; Michelle Schindler, Attention Center Deputy Director; Gary Lacey, County Attorney; Kit Boesch, Human Services Director

Dennis Banks, Attention Center Director, gave a brief report on a national detention reform conference he and Michelle Schindler, Attention Center Deputy Director, recently attended in Chicago, Illinois. He noted the Chicago community has realized a 25% reduction in juvenile detention population following initiation of detention reform measures. The measures include use of a screening tool, providing alternatives to detention and authorizing probation officers to step-up or step-down consequences, based on juvenile behavior, without a court appearance.

Michelle Schindler, Attention Center Deputy Director, noted that the process is lengthy and not all communities have been successful with juvenile detention reform efforts.

Steinman remarked that flexibility in court orders is key if juveniles in detention are to be moved quickly through the system.

Heier concurred, noting it is crucial that the Juvenile Court Judges and Probation Officers "come to the table" and "buy-in" to the proposals in order for the juvenile detention system and planned facility to be successful.

Banks suggested that a delegation from Chicago be brought to Lincoln to discuss how barriers were overcome in their community with the juvenile detention stakeholders.

Kit Boesch, Human Services Director, reported that a meeting is scheduled on May 6th at 6 p.m. at Trabert Hall with the Juvenile Court Judges to discuss the functions of the Assessment Center and the juvenile population that would be impacted.

Gary Lacey, County Attorney, stated he has discussed the bond review process with Banks, but has not reached a determination of how the Assessment Center may impact his attorneys' bond recommendations.

Banks also distributed copies of *Building a Better Juvenile Detention System: the Juvenile Detention Alternatives Initiative (JDAI) Story* (Exhibit H).

8 PROPOSAL TO DESIGNATE HIGHWAY 77 FROM BEATRICE TO I-80 AS HOMESTEAD HERITAGE EXPRESSWAY - Allen Grell, Gage County Supervisor; Laureen Riedesel, Friends of Homestead President

Laureen Riedesel, Friends of Homestead President, reported briefly on a proposal to designate Highway 77 from Beatrice to I-80 as Homestead Heritage Expressway. She explained that this expressway is intended to intersect with a Homestead Heritage Parkway, which would direct tourists from the center of Beatrice, through a fully restored historic downtown area and along an agricultural pathway to the Homestead National Monument. A replanting of historic crops and an interpretation of modern agriculture are also planned. She noted this proposal is supported by the National Park Service.

In response to a question from Workman, Riedesel stated that the site contains an 1867 log cabin, the historic Freeman school, and one of the oldest restored prairies in the country.

Allen Grell, Gage County Supervisor, distributed copies of Resolution No. 1007, passed by the Gage County Board of Supervisors in support of the designation (Exhibit I).

Riedesel distributed copies of the *Homestead Official Map and Guide* (Exhibit K), and gave a brief overview of the Homestead National Monument of America General Management Plan which includes a proposal to build a visitors center which will be known as the Homestead Heritage Center (Exhibit J).

Hudkins suggested that the City of Lincoln also be consulted, as the request may impact a portion of the Salt Valley Expressway.

Grell indicated that presentations are also planned for the Lincoln City Council, the Highway 77 Association and state senators representing the region.

Heier questioned whether the renaming of the Highway will have ramifications for roadways connecting to that highway, due to its National Park Service designation.

Riedesel stated she did not anticipate any, as the intent of the proposal is strictly to direct tourists to the historical site.

MOTION: Heier moved and Steinman seconded to authorize preparation of a resolution designating Highway 77 from Beatrice to I-80 as Homestead Heritage Expressway. On call Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

9 RECOMMENDATION FROM FLEXIBLE BENEFITS PLAN REQUEST FOR PROPOSALS REVIEW COMMITTEE - Bill Kostner, City Risk Manager; Tim Genuchi, Accounting Operations Manager for the County Clerk's Office; Larry Schauer, Assistant Purchasing Agent; Bill Thoreson, Benefits Specialist

Larry Schauer, Assistant Purchasing Agent, reported on a recommendation from the Flexible Benefits Plan Request for Proposals Review Committee to award a contract for administration of the County's Flexible Employee Benefit Account (FEBA) plan to PayFlex Systems USA, Inc.

Tim Genuchi, Accounting Operations Manager for the County Clerk's Office, presented a plan management cost comparison for Corporate Diversified (current provider) and PayFlex (Exhibit L). He noted the committee's recommendation to award the contract to PayFlex was based upon projected cost savings and services offered.

Bill Kostner, City Risk Manager, reported these services include a toll-free phone number with an interactive voice response, an Internet website, e-mail capability and direct deposit of benefits checks.

Diane Staab, Deputy County Attorney, noted that two enrollment periods will be necessary to get the County's FEBA plan back on a calendar year system. She also noted that PayFlex had initially indicated a three year rate, but a one year agreement was submitted.

Schauer stated a three year contract could be requested.

MOTION: Steinman moved and Heier seconded to direct the County Attorney's office to seek a three (3) year lock on the rates and to place the contract with PayFlex Systems USA, Inc. for administration of the County's Flexible Employee Benefit Account on a Tuesday, County Board of Commissioners Meeting agenda. On call Steinman, Heier, Workman and Hudkins voted aye.

10 ACCIDENT AT N 1ST STREET AND MCKELVIE ROAD - Don Thomas, County Engineer; Doug Cyr, Deputy County Attorney; Sue Eckley, Workers' Compensation & Risk Management Manager; Terry Wagner, Lancaster County Sheriff; Chuck Zimmerman, Building & Safety

Hudkins noted there were a number of citizens in attendance that would like to comment on a recent traffic accident at the intersection of North 1st and McKelvie Road that claimed three lives.

Jackie Spahn, 8975 North 7th, appeared and stated that visibility at the intersection has been an ongoing issue in the neighborhood for several years and she believes some action could have been taken that might have prevented the accident from occurring. She indicated that the landowner on the northeast corner of the intersection has brought in backfill and raised the bank to a point that visibility is restricted from both directions. Spahn made a request, on behalf of the neighborhood, for the County Board to take action to reduce buildup on that corner.

Hudkins asked whether placement of four-way stop signs at the intersection would help alleviate the problem.

Spahn stated it would help with westbound and eastbound traffic, although she did not see that as being the ultimate solution to the problem.

Hudkins noted that traffic would be slowed as a result of the stop signs.

Spahn stated some citizens may view the four-way stop signs as an inconvenience, but most area residents would see value in their placement.

In response to a question from Workman, Elvin Breslow, former owner of the property in question, appeared and stated that, to the best of his recollection, the buildup of the corner began in 1989.

Spahn noted that the owner of the property also began planting trees on the property two seasons ago.

Jan Culver, 200 West Bluff Road, appeared and stated that the intersection at 1st and Fletcher Avenue has stop signs, but they are frequently ignored. She noted, however, that the visibility at that intersection is considerably better than the one at North 1st and McKelvie Road. Culver stated that the community has vocalized concern regarding visibility at the intersection, but none of the political entities contacted accept responsibility for dealing with the problem.

In response to a question from Workman, Culver stated it is impossible for westbound traffic on McKelvie Road to avoid a collision, unless the driver comes to a complete stop. She questioned whether placement of additional stop signs would remedy the situation, suggesting the potential for rear end collisions would be increased for traffic on McKelvie Road.

Breslow commented that he had resided at the corner of North 1st and McKelvie Road for more than 30 years and could not recall an accident at that intersection during that time. He also reported that he was prevented from selling farm implements on the property in the early 1980's, as the property was zoned for agriculture, but the new owner has accumulated junked cars and trailers on the property, in violation of zoning ordinances, with no apparent repercussions.

Hudkins stated that the property is located within the City's three mile zoning jurisdiction, but pledged that the County Board will diligently work with the City to reach a solution.

Roger Fosler, 2600 West McKelvie Road, also appeared to report that his wife has been involved in two accidents at the North 1st and McKelvie Road intersection since the bank was built up. He indicated that he had complained about the situation to the County and was told there was nothing the County could do.

Hudkins stated that the County Board will take the matter under advisement.

NOTE: Additional members of the public appearing in support of the testimony given were Mardy McCullough, Michelle Schmieding; L C Spahn and Ken Walbridge.

MOTION: Steinman moved and Heier seconded to enter Executive Session at 11:25 a.m. for discussion of potential litigation. On call Steinman, Heier, Workman and Hudkins voted aye. Motion carried.

MOTION: Heier moved and Steinman seconded to exit Executive Session at 12:08 p.m. On call Heier, Workman, Steinman and Hudkins voted aye. Motion carried.

MOTION: Workman moved and Heier seconded to direct a resolution to be prepared for the Tuesday, April 27th County Board of Commissioners meeting, authorizing installation of temporary four-way stop signs at the intersection of N 1st Street and McKelvie Road. On call Workman, Heier, Steinman and Hudkins voted aye. Motion carried.

11 CONSENT ITEMS

- a. Microcomputer Request C#99106 for \$1,285.32 from the Clerk of the District Court Budget for a Laser Printer

Eagan reported there are insufficient funds in the Clerk of the District Court's budget to fund the request.

MOTION: Steinman moved and Workman seconded to inform the Clerk of the District Court that the request should be included with the Fiscal Year 1999-2000 Budget request. On call Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

12 ADMINISTRATIVE OFFICER REPORT

- a. Letter from Time Warner Cable, Requesting Removal of Franchise Information from Cablevision Subscribers' Monthly Bills

Eagan reported briefly on a letter received from Time Warner Cable requesting the County Board, as franchise authority, to authorize removal of franchise information from monthly Cablevision bills (Exhibit B).

MOTION: Steinman moved and Workman seconded to authorize Kerry Eagan, Chief Administrative Officer, to respond to the letter from Time Warner Cable, indicating that franchise authority information is to remain on the billing statements at this time and to request correction of the phone number listed for the County Clerk as the contact for the franchise authority. On call Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

The Board requested the County Clerk's Office to track calls received by their office with regards to the Cablevision franchise, with a periodic report back to the County Board.

- b. Meeting with River Oaks Communication Corporation on Tuesday, April 27, 1999 at 3 p.m.

Eagan distributed copies of a schedule for telecommunication ordinance planning meetings with representatives of River Oaks Communications Corporation (Exhibit C).

Board consensus to schedule a Staff Meeting immediately following the 1:30 p.m. County Board of Commissioners Meeting on Tuesday, April 27th to meet with the telecommunications consultants. Topics of discussion will include right-of-way access and co-location of cellular towers.

- c. Proxies from Nationwide Insurance

MOTION: Steinman moved and Heier seconded to authorize Kerry Eagan, Chief Administrative Officer, to respond to the proxies from Nationwide Insurance. On call Steinman, Heier, Workman and Hudkins voted aye. Motion carried.

- d. Department Budget Hearing Schedule

Board consensus to approve the Department Budget Hearing Schedule (Commissioners' Information Packet).

13 DISCUSSION OF BOARD MEMBER MEETINGS

- a. Board of Health - Hudkins

Hudkins reported that a new fee schedule for food handler permits was approved, resulting in a rate increase of 25 percent. He noted these rates do not apply outside the City limits.

Hudkins also reported that the proposed Lincoln/Lancaster County Health Department Budget for Fiscal Year 1999-2000 meets the Mayor's budget guidelines.

- b. Government Access & Information Committee - Steinman

Steinman reported the following:

- * A grant for the videostreaming project was not received, resulting in costs of \$5,000 each for the City and County.
- * Raymond Central High School received an award for their work on the InterLinc Rural Site Development Project at a Future Business Leaders of America conference.
- * Information Services is setting up two labs to train departments on how to develop and maintain webpages on the InterLinc website. A follow-up with departments on designation of staff for the project is needed.
- * Lancaster County Agricultural Society has requested inclusion on the InterLinc website.

The Government Access & Information Committee has discussed whether or not their inclusion would be appropriate, but a recommendation has not been made at this point.

20 ADJOURNMENT

MOTION: Steinman moved and Heier seconded to adjourn the meeting. On call Heier, Workman, Steinman and Hudkins voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk